# Report for the purposes of Appropriate Assessment Screening

## Kinvara Community Transport Study

Prepared by: Moore Group – Environmental Services

On behalf of Galway County Council

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Project	Kinvara Community Transport Study		
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## **Abbreviations**

AA Appropriate Assessment

ABP An Bord Pleanála

CEMP Construction Environmental Management Plan

EEC European Economic Community

EPA Environmental Protection Agency

EU European Union

FWPM Freshwater Pearl Mussel

GIS Geographical Information System

LAP Local Area Plan

NHA Natural Heritage Area

NIS Natura Impact Statement

NPWS National Parks and Wildlife Service

OSI Ordnance Survey Ireland

pNHA proposed Natural Heritage Area

SAC Special Area of Conservation

SPA Special Protection Area

SuDS Sustainable Drainage System

UÉ Uisce Éireann

WFD Water Framework Directive

### 1. Introduction

#### 1.1. General Introduction

This report for the purposes of Appropriate Assessment (AA) Screening contains information required for the competent authority to undertake screening for Appropriate Assessment (AA) of the Kinvara Community Transport Study (CTS)(hereafter referred to as the Project) to determine whether it is likely individually or in combination with other plans or projects to have a significant effect on any European sites, in light of best scientific knowledge.

Having regard to the provisions of the Planning and Development Act 2000, as amended (the "Planning Acts"), the purpose of a screening exercise is to assess, in view of best scientific knowledge, if the Plan, individually or in combination with other plans or projects is likely to have a significant effect on a European site.

If it cannot be *excluded* on the basis of objective information that the Project, individually or in combination with other plans or projects, will have a significant effect on a European site then it is necessary to carry out a Stage 2 appropriate assessment under section 177V of the Planning Acts.

When screening the project, there are two possible outcomes:

- the project poses no potential for the possibility of a significant effect and as such requires no Stage 2 assessment; or
- the project has potential to have a significant effect (or this is uncertain and therefore cannot be excluded) and therefore a Stage 2 Appropriate Assessment of the project is necessary.

This report has been prepared by Moore Group - Environmental Services to enable the competent authority to carry out AA screening in relation to the Project. The report was compiled by Ger O'Donohoe B.Sc. Applied Aquatic Sciences (ATU Galway, 1993) & M.Sc. Environmental Sciences (TCD, 1999) who has over 30 years' experience in environmental impact assessment and has completed numerous Appropriate Assessment Screening Reports and Natura Impact Statements on terrestrial and aquatic habitats for various development types.

### 1.2. Legislative Background - The Habitats and Birds Directives

Article 6(3) and 6(4) of the Habitats Directive are transposed into Irish Law inter alia by the Part XAB of the Planning Acts (in particular section 177U and 177V) which governs the requirement to carry out appropriate assessment screening and appropriate assessment, where required, per Section 1.1 above.

The Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora) is the main legislative instrument for the protection and conservation of biodiversity in the European Union (EU). Under the Habitats Directive, Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a EU context.

The Birds Directive (Council Directive 2009/147/EC on the conservation of wild birds), transposed into Irish law by the Bird and Natural Habitats Regulations 2011 as amended, and the Wildlife Act 1976, as amended, is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Birds Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

SACs designated under the Habitats Directive and SPAs, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs. These sites are also referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to have a significant effect on Natura 2000 sites.

Article 6(3) establishes the requirement to screen all plans and projects and to carry out an appropriate assessment if required (Appropriate Assessment (AA)).

**Article 6(3):** "Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to an appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

Article 6(4) establishes requirements in cases of imperative reasons of overriding public interest.

## 2. Methodology

The Commission's methodological guidance (EC, 2002, 2018, 2021 see Section 2.1 below) promotes a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

**Stage 1 Screening:** This stage examines the likely effects of a project either alone or in combination with other plans and projects upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant. In order to screen out a project, it must be excluded, on the basis of objective information, that the Project, individually or in combination with other plans or projects, will have a significant effect on a European site.

**Stage 2 Appropriate Assessment:** This stage examines whether it is likely that the project, either alone or in combination with other projects or plans, will have a significant effect upon the integrity of a European site. In order to 'screen out' a project (i.e. in order to conclude that it is not necessary to move to the 'Stage 2' appropriate assessment stage (see immediately below), the possibility that the Project (individually or in combination with other plans or projects), will have a significant effect on the integrity of a European site must be excluded on the basis of objective information.

**Stage 3 Assessment of Alternative Solutions:** This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain: Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

To ensure that the Project complies fully with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, Moore Group compiled this report to enable the competent authority to carry out AA screening in relation to the Project to determine whether it can be excluded, on the basis of objective information, that the Project, individually or in combination with other plans or projects, will have a significant effect on a European site(s).

#### 2.1. Guidance

This report has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities.
   (Department of Environment, Heritage and Local Government, 2010 rev.).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities.
   Circular NPWS 1/10 & PSSP 2/10.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC, 2018).
- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (EC, 2021).

- Assessment of plans and projects in relation to Natura 2000 sites Methodological guidance on Article
   6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2021).
- Office of the Planning Regulator (OPR) Practice Note PN01 Appropriate Assessment Screening for Development Management (OPR, 2021).
- Natura Impact Statement Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (NPWS, 2024).

#### 2.2. Data Sources

Sources of information that were used to collect data on the Natura 2000 network of sites, and the environment within which they are located, are listed below:

- The following mapping and Geographical Information Systems (GIS) data sources, as required:
  - National Parks & Wildlife (NPWS) protected site boundary data;
  - Ordnance Survey of Ireland (OSI) mapping and aerial photography;
  - OSI/Environmental Protection Agency (EPA) rivers and streams, and catchments;
  - Digital Elevation Model over Europe (EU-DEM);
  - Google Earth and Bing aerial photography 1995-2025;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS)
   from www.npws.ie including:
  - Natura 2000 Standard Data Form;
  - Conservation Objectives;
  - Site Synopses;
- National Biodiversity Data Centre records;
  - o Online database of rare, threatened and protected species;
  - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2019); and
- Relevant Development Plans;
  - o Galway County Development Plan 2022-2028
  - Kinvara Community Transport Study April 2025

## 3. Description of the Project

The Kinvara Community Transport Study consists of the design and implementation of range of measures to improve safety and sustainability in transport in Kinvara, Co. Galway.

These measures may include some or all of the following:

- Cycleways and Footways including segregated cycle lanes
- Safe school routes and school zones
- Permeability links
- Footpath upgrades
- Junction upgrades
- Traffic calming measures including speed limits and ramps
- Bus and coach stops and parking facilities
- Public realm enhancements

Figure 1 shows the Project location and Figure 2 shows a detailed view of the Project boundary on recent aerial photography. Figure 3 shows the layout of the Project.



Figure 1. Showing the Project location at Kinvara, Co. Galway.



Figure 2. Showing the proposed Kinvara CTS Network on recent aerial photography.

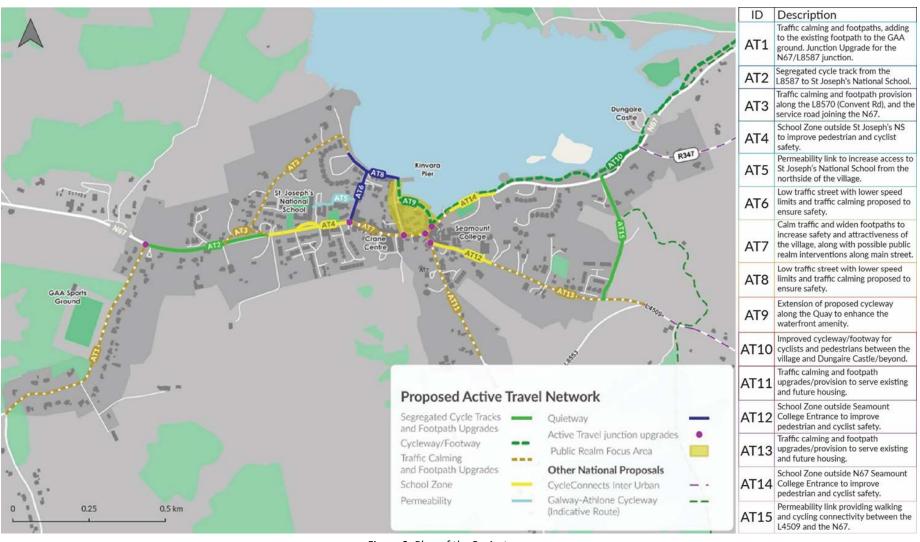


Figure 3. Plan of the Project.

## 4. Identification of Natura 2000 Sites

## 4.1. Description of Natura Sites Potentially Significantly Affected

A Zone of Influence (ZoI) of a Project is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note (2021), PN01, the ZoI should be established on a case-by-case basis using the Source- Pathway-Receptor framework.

The European Commission's "Assessment of plans and projects in relation to Natura 2000 sites guidance on Article 6(3) and (4) of the Methodological Habitats Directive 92/43/EEC" published 28 September 2021 states at section 3.1.3, that:

"Identifying the Natura 2000 sites that may be affected should be done by taking into consideration all aspects of the plan or project that could have potential effects on any Natura 2000 sites located within the zone of influence of the plan or project. This should take into account all of the designating features (species, habitat types) that are significantly present on the sites and their conservation objectives. In particular, it should identify:

- any Natura 2000 sites geographically overlapping with any of the actions or aspects of the plan or project in any of its phases, or adjacent to them;
- any Natura 2000 sites within the likely zone of influence of the plan or project Natura 2000 sites located
  in the surroundings of the plan or project (or at some distance) that could still be indirectly affected by
  aspects of the project, including as regards the use of natural resources (e.g. water) and various types
  of waste, discharge or emissions of substances or energy;
- Natura 2000 sites in the surroundings of the plan or project (or at some distance) which host fauna that can move to the project area and then suffer mortality or other impacts (e.g. loss of feeding areas, reduction of home range);
- Natura 2000 sites whose connectivity or ecological continuity can be affected by the plan or project".

The range of Natura 2000 sites to be assessed, i.e. the zone in which impacts from the plan or project may arise, will depend on the nature of the plan or project and the distance at which effects may occur. For Natura 2000 sites located downstream along rivers or wetlands fed by aquifers, it may be that a plan or project can affect water flows, fish migration and so forth, even at a great distance. Emissions of pollutants may also have effects over a long distance. Some projects or plans that do not directly affect Natura 2000 sites may still have a significant impact on them if they cause a barrier effect or prevent ecological linkages. This may happen, for example, when plans affect features of the landscape that connect Natura 2000 sites or that may obstruct the

movements of species or disrupt the continuity of a fluvial or woodland ecosystem. To determine the possible effects of the plan or project on Natura 2000 sites, it is necessary to identify not only the relevant sites but also the habitats and species that are significantly present within them, as well as the site objectives.

The Zone of Influence may be determined by considering the Project's potential connectivity with European sites, in terms of:

- Nature, scale, timing and duration of all aspects of the proposed works and possible impacts, including
  the nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of potential pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Location of ecological features and their sensitivity to the possible impacts.

The potential for source pathway receptor connectivity is firstly identified through GIS interrogation and detailed information is then provided on sites with connectivity. European sites that are located within a potential Zone of Influence of the Project are listed in Table 1 and presented in Figures 4 and 5, below. Spatial boundary data on the Natura 2000 network was extracted from the NPWS website (www.npws.ie) on 22 April 2025. This data was interrogated using GIS analysis to provide mapping, distances, locations and pathways to all sites of conservation concern including pNHAs, NHA and European sites.

Table 1 European Sites located within the potential Zone of Influence<sup>1</sup> of the Project.

Site Name	Site Code	Distance	Qualifying Interests
Galway Bay Complex SAC	000268	0.00	1140 Mudflats and sandflats not covered by seawater at low tide  1150 Coastal lagoons*  1160 Large shallow inlets and bays  1170 Reefs  1220 Perennial vegetation of stony banks  1310 Salicornia and other annuals colonising mud and sand  1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae)  1355 Otter Lutra lutra  1365 Harbour seal Phoca vitulina  1410 Mediterranean salt meadows (Juncetalia maritimi)  3180 Turloughs*

<sup>&</sup>lt;sup>1</sup> All European sites potentially connected irrespective of the nature or scale of the Project.

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			5130 Juniperus communis formations on heaths or calcareous grasslands  6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco Brometalia)(*important orchid sites)  7210 Calcareous fens with Cladium mariscus and species of the Caricion davallianae*  7230 Alkaline fens
Inner Galway Bay SPA	004031	0.00	A003 Great Northern Diver Gavia immer  A017 Cormorant Phalacrocorax carbo  A028 Grey Heron Ardea cinerea  A046 Brent Goose Branta bernicla hrota  A050 Wigeon Anas penelope  A052 Teal Anas crecca  A056 Shoveler Anas clypeata  A069 Red-breasted Merganser Mergus serrator  A137 Ringed Plover Charadrius hiaticula  A140 Golden Plover Pluvialis apricaria  A142 Lapwing Vanellus vanellus  A149 Dunlin Calidris alpina alpina  A157 Bar-tailed Godwit Limosa lapponica  A160 Curlew Numenius arquata  A162 Redshank Tringa totanus  A169 Turnstone Arenaria interpres  A179 Black-headed Gull Chroicocephalus ridibundus  A182 Common Gull Larus canus  A191 Sandwich Tern Sterna sandvicensis  A193 Common Tern Sterna hirundo

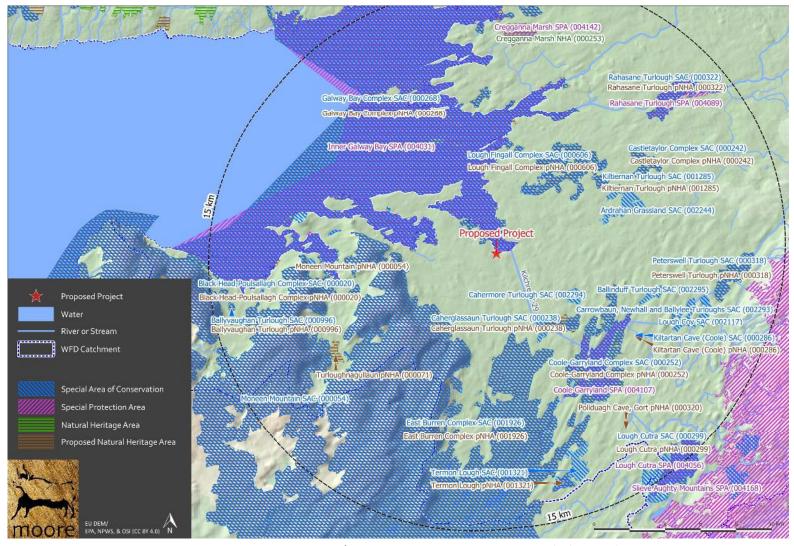


Figure 4. Showing European sites and NHAs/pNHAs within the wider Potential Zone of Influence of the Project.

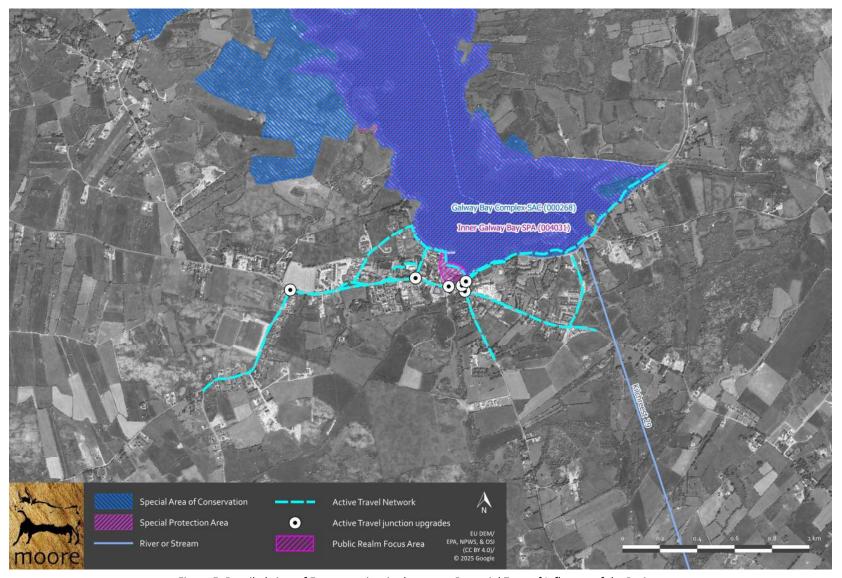


Figure 5. Detailed view of European sites in the nearer Potential Zone of Influence of the Project.

### 4.2. Ecological Network Supporting Natura 2000 Sites

A concurrent GIS analysis of the proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA) in terms of their role in supporting the species using Natura 2000 sites was undertaken along with GIS investigation of European sites. These supporting roles mainly relate to mobile fauna such as mammals and birds which may use pNHAs and NHAs as ecological corridors or "stepping stones" between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account in the decision process and during the preparation of this AA Screening report.

The NHAs and pNHAs identified in Figure 4 are located outside the Zone of Influence, with the exception of those which share the boundaries of the associated with the Galway Bay Complex SAC and Inner Galway Bay SPA. Accordingly, the Galway Bay Complex pNHA is considered under its higher conservation status as a European site.

## 5. Identification of Potential Impacts & Assessment of Significance

#### 5.1. Assessment of Likely Significant Effects

The consideration of all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the Project are presented in Table 3.

Table 2 Assessment of Likely Significant Effects.

#### **Brief Description of the Project**

The Project is located along streets, roads, footpaths and public spaces in and around the village of Kinvara in Co. Galway. Sections of the development, including the N67 national road, and the Quay in Kinvara lie adjacent to Galway Bay and the two European sites listed above. Proposed works will be relatively minor in nature, and no mitigation is required to ensure there will be no impacts on these European sites.

#### **Identification of Natura 2000 Sites**

Natura 2000 sites within Galway City and within the potential Zone of Influence of the City were considered in Table 1 and Section 4. There are two Natura 2000 sites within the plan area.

#### Is the plan directly connected with, or necessary to the management of the Natura 2000 site(s)?

The Plan is not directly connected with, or necessary to, the conservation management objectives of the above listed Natura 2000 sites in Section 4.

Describe the individual elements of the Project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Sites.

Discharges to water and negative effects on marine water quality and/or noise can be a principal source of disturbance for species listed as QIs of SACs and SPAs. The purpose of the Study is to provide a strategic long-term management of traffic on major routes within the Project area. This will require reduction of existing traffic where practical. The potential impacts that arise from future development works will be assessed in their own right through Planning and Licensing processes, including through Environmental Impact Assessments, Strategic Environmental Assessments, Appropriate Assessments, and application of relevant Guidance relating to impact assessment.

Describe any likely direct, indirect, or secondary impacts of the Project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

**Size and scale:** The CTS will have no significant effects upon Natura 2000 sites by virtue of its size and scale. No Significant Effects Likely.

Land-take: There will be no land-take from any Natura 2000 site. No Significant Effects Likely.

**Distance from Natura 2000 site or key features of the site:** There are two Natura 2000 sites within the Zone of Influence of the Project boundary. No Significant Effects Likely.

**Resource requirements (water abstraction etc.):** There will be no resource requirements from any Natura 2000 site. No Significant Effects Likely.

**Excavation requirements:** There will be no excavation requirements from any Natura 2000 site. No Significant Effects Likely.

**Transportation requirements:** There will be no excavation requirements from any Natura 2000 site. No Significant Effects Likely.

**Duration of construction, operation, decommissioning etc:** The Project pertains to the period covering 2024-2028. No Significant Effects Likely.

Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

Reduction of habitat area: There will be no reduction of habitat area in any Natura 2000 site.

Disturbance to key species: There will be no disturbance to key species in any Natura 2000 site.

Habitat or species fragmentation: There will be no habitat or species fragmentation in any Nature 2000 site.

Reduction in species density: There will be no reduction in species density in any Natura 2000 site.

Changes in key indicators of conservation value (water quality etc.): There will be no changes in key indicators of conservation value in any Natura 2000 site.

Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:

Interference with the key relationships that define the structure or function of the site: It is not considered likely that there will be any significant impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

Loss - Estimated percentage of lost area of habitat: None

Fragmentation: None

Disruption & disturbance: None

Change to key elements of the site (e.g. water quality etc.): None

Are there other projects or plans that together with the project of plan being assessed could affect the site? (In-Combination Impacts/Effects)

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combinations with the plan or project, have the potential to adversely impact upon European Sites. The following plans have been considered:

- Ireland 2040 Our Plan, the National Planning Framework
- Northern and Western Region Regional Spatial and Economic Strategy 2020-2032
- Galway City Development Plan 2023-2029
- Galway County Development Plan 2022-2028

The Kinvara Community Transport Study when considered on its own will have no significant effects upon the Natura 2000 sites within the Zone of Influence of the CTS boundary and therefore, the potential for incombination effects to arise when the CTS is considered with the implementation of the plans cited above, or other plans / projects is low.

#### 5.2. Assessment of Potential In-Combination Effects

In-combination effects are changes in the environment that result from numerous human-induced alterations. In-combination effects can be thought of as occurring through two main pathways: first, through persistent

additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects.

The Galway County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same potential Zone of Influence of the Project area would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the Project area and surrounding townlands in which the Project site is located, would be avoided.

There are no predicted in-combination effects given that it is predicted that the Project will have no effect on any European site.

Any new applications for the Project area will be assessed on a case by case basis *initially* by Galway County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

## 6. Conclusion

In accordance with Article 6(3) of the Habitats Directive, relevant case law, established best practice and the precautionary principle, this Report for AA Screening has examined the details of the Kinvara Community Transport Study in relation to the relevant Natura 2000 sites within a Zone of Influence of the Project.

At this stage of the AA process, it is for the competent authority, i.e., Galway County Council, to carry out the screening for AA and to reach one of the following determinations:

a) AA of the Project is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on any European sites;

b) AA of the Project is not required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on any European sites.

The finding of this report is that; It can be excluded (on the basis of objective information provided herein, individually or in combination with other plans or projects and in the absence of any mitigation) that the Project will have a significant effect on any European site.

An appropriate assessment is not, therefore, required.

## 7. References

Department of the Environment, Heritage and Local Government (2010) Guidance on Appropriate Assessment of Plans and Projects in Ireland (as amended February 2010).

European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive '92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interests, compensatory measures, overall coherence and opinion of the Commission. European Commission, Brussels.

European Commission (2018) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

European Commission (2021) Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Brussels 28.9.21.

European Commission (2021) Guidance document on the strict protection of animal species of Community interest under the Habitats Directive, Brussels 12.10.21.

NPWS (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.

NPWS (2025) National Parks and Wildlife Service Metadata available online at https://www.npws.ie/maps-and-data

Office-of-the-Planning-Regulator (2021) Appropriate Assessment Screening for Development Management OPR Practice Note PN01. March 2021